BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION
COMMISSION
2009 OCT 14 PM 5: 03
OFFICE OF GENERAL
COUNSEL

In re

GREG BALL, and BALL4NY,

COMPLAINT

Respondents.

MUR # 6218

Complainant Gary M. Levine, residing at

, Poughkeepsie, NY 12603, a natural person, hereby submits this Complaint to the Federal Election Commission pursuant to 2 U.S.C. § 437g(a)(1).

The facts show that Greg Ball, in a matter of just a few months, has repeatedly violated several core provisions of the federal campaign finance laws - illegally soliciting "soft money," converting assets from his soft-money-funded Assembly campaign to his Congressional campaign, and having automated phone calls sent on his behalf without saying who paid for them.

In support, Complainant alleges as follows:

FACTUAL AND LEGAL ANALYSIS

- Respondent Greg Ball ("Ball") is a candidate for United States House of Representatives in New York's 19th District.
- 2. The Federal Election Campaign Act and the Bipartisan Campaign Reform Act ban House candidates from raising "soft

- money" funds outside the source restrictions and contribution limits of federal campaign finance law. See 2 U.S.C. § 441i(e).
- 3. A House candidate, his campaign and their agents may not solicit or receive contributions from persons in excess of \$2,400 per election, or from political action committees in excess of \$5,000 per election. See 2 U.S.C. \$\$ 441a(a)(1)(A), 441a(a)(2)(A), 441i(e)(1)(A).
- 4. A House candidate, his campaign and their agents may not accept corporate contributions. See 2 U.S.C. \$\$ 441b(a), 441i(e)(1)A). Corporations are prohibited from making expenditures in connection with federal elections. 2 U.S.C. \$ 441b(a).
- 5. A contribution includes anything of value, including in-kind contributions. See 2 U.S.C. § 431(8)(A)(i); 11 C.F.R. § 100.52(d).
- 6. The contribution limits and source restrictions of federal law apply even when a candidate is simply "testing the waters" to decide whether to run. See 11 C.F.R. § 100.131(a).
- 7. Ball, his campaign and their agents have engaged in a blatant pattern of raising illegal soft money.

Soliciting Illegal Corporate Contributions for a Fundraising Auction

8. On or about June 5, 2009, Ball's so-called "Congressional Exploratory Committee" held a Golf Outing at

Hudson Hills Golf Course and Murphy's Restaurant. See Exhibit
A.

- 9. The outing included a "silent auction." See Exhibit
 A.
- 10. On or about May 1, 2009, Jacqueline Ambrosino, a Ball representative, sent an email to a distribution list soliciting donations for the silent auctions. See Exhibit A. "We are looking for tickets to sporting events, televisions, gift certificates to restaurants and services (such as legal and accounting services), foursomes for other golf courses, trips, plane tickets, spa gift certificates, televisions, just to name a few ..." Exhibit A.
- 11. The May 1, 2009, email expressly asked for corporate contributions: "You can reach out to your network and try to get donations from both businesses and people." Exhibit A (emphasis supplied). "When working with a business, you can emphasize the foot traffic that will be generated by having their name featured at our event and in a brochure to be handed out to everyone that attends." Exhibit A (emphasis supplied).

Accepting Corporate Sponsorships and Seeking Excessive Contributions for an Outdoor Fundraising Event

- 12. On or about July 25, 2009, Ball's campaign sponsored a "Rockin' Rib Fest & Battle of the Bands." Exhibit B.
- 13. The July 25, 2009, event was "sponsored" by the New York State Rifle & Pistol Association and the National Rifle

Association. Exhibit B. On information and belief, both entities are corporations.

14. The Ball campaign sought additional "sponsorships" in connection with the July 25, 2009, event, including a "VIP Congressional Tent Sponsorship" priced at \$2,900 - \$500 in excess of the federal contribution limit. Exhibit B. Other Ball event solicitations have shown similar indifference to the \$2,400 limit. See, e.g.,

http://www.ballforcongress.com/eventDetail.aspx?eventID=2650
(Exhibit C) (asking for \$2,500 and \$4,800 contributions,
without regard to the per-election limit).

Accepting Illegal Soft Money Transfers from Ball's Assembly Committee

- 15. Federal law prohibits federal candidates from transferring funds or assets to their federal campaigns from their nonfederal campaign committees. See 11 C.F.R. § 110.3(d).
- 16. Federal law prohibits federal candidates from transferring or spending nonfederal funds in connection with federal elections. See 2 U.S.C. § 441i(e).
- 17. Ball's federal campaign has made and is making repeated use of photos, videos and other assets from his nonfederal campaign and/or his official New York Assembly office. See, e.g.,

http://www.ballforcongress.com/multimedia.aspx; (Exhibit D).
Ball's filings to date with the Federal Election Commission

show no payment to his Assembly campaign, nor to the State of New York, for the use of these photos.

Voicing Illegal Robocalls

- 18. Federal law requires general public political advertisements paid for by third parties and authorized by candidates to contain a statement disclosing the identity of the payors, and that they had been authorized by the candidates. See 2 U.S.C. § 441d(a)(2).
- 19. Ball's July 15 Quarterly Report discloses an in-kind contribution made on June 29, 2009, by Brian Callaghan in the form of "Automated Calls." Exhibit E.
- 20. On or about June 29, 2009, an automated call featuring Ball was distributed to voters in the 19th Congressional District. The call contained no statement indicating who had paid for the call, or whether Ball had authorized it. See Exhibit F.

COUNT ONE

- 21. Complainant realleges and incorporates by reference paragraphs 1 through 20, above.
- 22. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, purposely solicit and receive "soft money," in violation of 2 U.S.C. §§ 441a, 441b and 441i(e).

COUNT TWO

- 23. Complainant realleges and incorporates by reference paragraphs 1 through 22 above.
- 24. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, purposely transfer assets from his nonfederal campaign to his federal campaign and spend nonfederal funds in connection with his federal election, in violation of 2 U.S.C. § 441i(e) and 11 C.F.R. § 110.3(d).

COUNT THREE

- 25. Complainant realleges and incorporates by reference paragraphs 1 through 24 above.
- 26. As set forth above, Ball, while a candidate, did personally and/or through the conduct of his agents and/or others acting at his direction and on his behalf, cause advertisements to be distributed on behalf of his principal campaign committee without disclosing who had paid for them, or that he had authorized them, in violation of 2 U.S.C. § 441d.

PRAYER FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Commission:

A. Find reason to believe that Ball violated the Federal Election Campaign Act of 1971, as amended, and the Bipartisan Campaign Reform Act.

- B. Seek the highest civil penalties allowed by law, and an injunction to prevent further violation.
- C. Take such other and further action as the Commission deems just and reasonable, or as the law may require.

Respectfully submitted,

Gary M. Devine

STATE OF New York)

County of Dutchess)

SUBSCRIBED AND SWORN to before me this 1st day of October, 2009.

Notary Public

My Commission Expires:

SUSAN S. HTOO Notary Public, State Of New York No. 02HT4881206 Qualified in Dutchees County Commission Expires May 12, 20 1 (Greg Ball's 4th Annual Golf Outing will be taking place on June 5th, 2009 at Hudson Hills Golf Course and Murphy's Restaurant. You can view all the details at www.gballevents.com. For this big event we need help pulling in donated items for the silent auction that will be going on throughout the day.

To accomplish this task, I will be organizing a Silent Auction Committee that will meet a few times prior to the golf outing. Please let me know if you will be able to help by calling me at

or e-mailing me at

We are looking for tickets to sporting events, televisions, gift certificates to restaurants and services (such as legal and accounting services), foursomes for other golf courses, trips, plane tickets, spa gift certificates, televisions, just to name just a few....

You can reach out to your network and try to get donations from both businesses and people. Many people have saved up points on their credit cards that can be redeemed for many items that we could auction off. When working with a business, you can emphasize the foot traffic that will be generated by having their name featured at our event and in a brochure to be handed out to everyone that attends.

Thank you and I look forward to working with you!

Regards,

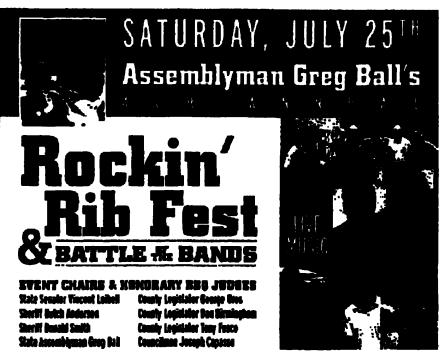
Jacqui Ambrosino

Ball4NY Congressional Exploratory Committee 2010

www.supportgreg.com

www.gballevents.com

P.S. To unsubscribe, please reply to list@ball4ny.com with the words 'unsubscribe list' in the body of the e-mail.



WEO:

Assemblyman Greg Ball Congressional Campaign Committee

WHEN:

SATURDAY, JULY 2512 (AMPAGE MINIST P)

12:00 (NOON) - 7:00 P.M.

WHERE:

The North Rhige Farm located at 683 Boole 311, Patterson, NY 12563

WHAT:

188 restaurants and individuals will compete for the best ribs

in the Hudson Valley and elected efficiets will judge!

ADMISSION: Passes to VF Congressional Back \$75 per parent
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lar Admission (at the gate) \$10 cmpuner \$20 cm colum

Enjoy a Day of Games and Fun with the Whele Family

Assemblyman Greg Ball's Rockin' Rib Fest & Battle of the Bands Sponsorship Opportunities

Saturday, July 25th 12 p.m. Noon - 7p.m. North Ridge Farm 683 Route 311, Patterson, NY 12563

Thank you for your support of Assemblyman Greg Ball's 4th Annual Rockin' Rib Fest & Battle of the Bands. We have a great day lined up with local BBQ restaurants and individuals competing for the best ribs in the Hudson Valley and local elected officials will judge! Join hundreds of your rib lovin' neighbors for this great day of music, games and fun!

Rod & Gun Chub Sponsorship: \$695

10 tickets to the VIP Congressional Tent (all you can eat and drink) and a reserved table (guaranteed seating) where you can proudly display your club's signage and information.

"Make My Day" Sponsorship: \$1295
20 tickets to the VIP Congressional Tent (all you can eat and drink)
and a reserved table with guaranteed PREFERRED seating where
you can proudly display your club's signage and information.

VIP Congressional Tent Sponsorship: \$2900
Includes, tent signage, PREMIER table location where you can proudly display your club's signage and information, and 20 VIP Congressional Tent tickets (all you can eat and drink).

Individual VIP Congressional Tent Ticket; \$75
One VIP Congressional Tent ticket includes general seating and all you can eat and drink.

Contact Joanna Puchalski

or to purchase your sponsorship.



Evening With Ari Fleischer

Wednesday, September 30, 2009 from 6:00 PM - 9:00 PM (ET)

Ossining, NY

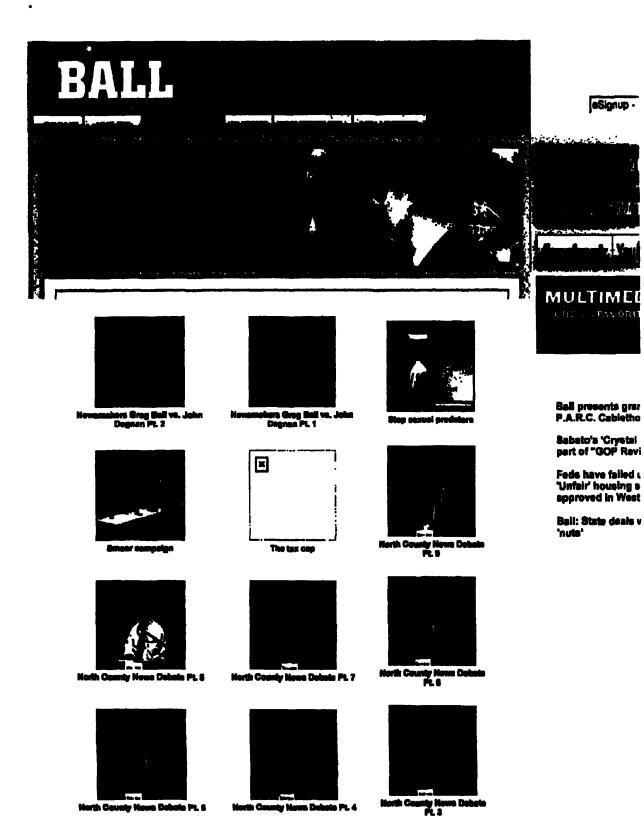
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Ticket information

| TICKET TYPE | SALES END | PRICE | FEE | QUANTITY |
|---|-----------------|-----------------|--------|----------|
| VIP Private Cocktail Hour \$225 Per Person (inc. dinner) | 23h 52m | \$225.00 | \$6.62 | 0 🔻 |
| VIP Private Cocktail Hour \$375 per Couple (inc. dinner) | 23h 62m | \$375.00 | \$9.95 | 0 🔀 |
| Dinner Only \$110 Per Perspn | 23h 62m | \$110.00 | \$3.74 | 0 🕏 |
| Dinner Only \$200 per Couple | 23h 52m | \$200.00 | \$5.99 | 0 = |
| Victory Sponsor (2 tickets for VIP & Dinner) | 23h 52m | \$500.00 | \$9.95 | 0 |
| Cocktail Sponsor (4 tickets for VIP & Dinner) | 23h 52m | \$1,000.00 | \$9.95 | 0 💃 |
| Dinner Table Sponsor (2 VIP & 10 Dinner tickets) | 23h 52 m | \$1,500.00 | \$9.95 | 0 3 |
| Dinner Sponsor (call for details) | 23h 52m | \$2,500.00 | \$9.95 | 0 😾 |
| Event Sponsor (call for details) | 23h 62m | \$4,800.00 | \$9.95 | 0 3 |

Event Details

You Are Cordially Invited For An Evening With



eSignup -































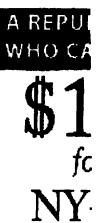




Greg Hell Debate



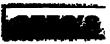


















Ball Stands Up To Silveri











North County News Debate Pt. 1



Reforming Albany



You can't have it both ways



Megal driver's House hearing





Greg Ball walks through Brev





Save our conters



23,000 full drivers licenses is to temporary residents!





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Gun Control Debate



Greg Sell Debote





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